



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,579	11/16/2001	Terrence Wolf	QUS 0101 PUS	8248

7590 09/05/2003

William G. Abbatt  
Brooks & Kushman P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1351

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,579

Applicant(s)

WOLF ET AL.

Examiner

Kimberly D. Nguyen

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2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-3, drawn to a method for determining the price of a product or service under consideration by a purchaser from a vendor, etc., classified in class 235, subclass 383.

Group II: Claims 4-5, drawn to a method of using personal pricing device to generate revenues to a manufacturer and a vendor, such as paying a subscription and/or share a commission, etc., classified in class 235, subclass 375.

Group III: Claims 6-9, drawn to a hand-held personal pricing device, which comprises a grip portion, a head portion, means for scanning, means for display, etc., classified in class 235, subclass 462.45.

2. The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of Group I has separate method for determining the price of the product or service by a purchaser from a vendor without the specific need for a method of using a personal pricing device to generate revenues to a manufacturer and a vendor. See MPEP 806.05(d).

Furthermore, Group II has separate steps such as it can be used in a method to generate revenues to a manufacturer and a vendor without the specific need for the method of determining the price of a product or service by a purchaser from a vendor.

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7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-file petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

8. A telephone call was made to Mr. William Abbatt on 18 August 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.


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KDN

August 18, 2003



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800



A DOCPHOENIX

## APPL PARTS

\_\_\_\_\_  
IMIS  
Internal Misc. Paper

\_\_\_\_\_  
LET.  
Misc. Incoming Letter

\_\_\_\_\_  
371P  
PCT Papers in a 371 Application

\_\_\_\_\_  
A...  
Amendment Including Elections

\_\_\_\_\_  
ABST  
Abstract

\_\_\_\_\_  
ADS  
Application Data Sheet

\_\_\_\_\_  
AF/D  
Affidavit or Exhibit Received

\_\_\_\_\_  
APPENDIX  
Appendix

\_\_\_\_\_  
ARTIFACT  
Artifact

\_\_\_\_\_  
BIB  
Bib Data Sheet

\_\_\_\_\_  
CLM  
Claim

\_\_\_\_\_  
COMPUTER  
Computer Program Listing

\_\_\_\_\_  
CRFL  
All CRF Papers for Backfile

\_\_\_\_\_  
DIST  
Terminal Disclaimer Filed

\_\_\_\_\_  
DRW  
Drawings

\_\_\_\_\_  
FOR  
Foreign Reference

\_\_\_\_\_  
FRPR  
Foreign Priority Papers

\_\_\_\_\_  
IDS  
IDS Including 1449

\_\_\_\_\_  
NPL  
Non-Patent Literature

\_\_\_\_\_  
OATH  
Oath or Declaration

\_\_\_\_\_  
PET.  
Petition

\_\_\_\_\_  
RETMAIL  
Mail Returned by USPS

\_\_\_\_\_  
SEQLIST  
Sequence Listing

\_\_\_\_\_  
SPEC  
Specification

\_\_\_\_\_  
SPEC NO  
Specification Not in English

\_\_\_\_\_  
TRNA  
Transmittal New Application

\_\_\_\_\_  
CTNF  
Count Non-Final

\_\_\_\_\_  
CTRS  
Count Restriction

\_\_\_\_\_  
EXIN  
Examiner Interview

\_\_\_\_\_  
M903  
DO/EO Acceptance

\_\_\_\_\_  
M905  
DO/EO Missing Requirement

\_\_\_\_\_  
NFDR  
Formal Drawing Required

\_\_\_\_\_  
NOA  
Notice of Allowance

\_\_\_\_\_  
PETDEC  
Petition Decision

## OUTGOING

\_\_\_\_\_  
CTMS  
Misc. Office Action

\_\_\_\_\_  
1449  
Signed 1449

\_\_\_\_\_  
892  
892

\_\_\_\_\_  
ABN  
Abandonment

\_\_\_\_\_  
APDEC  
Board of Appeals Decision

\_\_\_\_\_  
APEA  
Examiner Answer

\_\_\_\_\_  
CTAV  
Count Advisory Action

\_\_\_\_\_  
CTEQ  
Count Ex parte Quayle

\_\_\_\_\_  
CTFR  
Count Final Rejection

## INCOMING

\_\_\_\_\_  
AP.B  
Appeal Brief

\_\_\_\_\_  
C.AD  
Change of Address

\_\_\_\_\_  
N/AP  
Notice of Appeal

\_\_\_\_\_  
PA..  
Change in Power of Attorney

\_\_\_\_\_  
REM  
Applicant Remarks in Amendment

\_\_\_\_\_  
XT/  
Extension of Time filed separate

### Internal

\_\_\_\_\_  
SRNT  
Examiner Search Notes

\_\_\_\_\_  
CLMPTO  
PTO Prepared Complete Claim Set

\_\_\_\_\_  
ECBOX  
Evidence Copy Box Identification

\_\_\_\_\_  
WCLM  
Claim Worksheet

\_\_\_\_\_  
WFEE  
Fee Worksheet

### File Wrapper

\_\_\_\_\_  
FWCLM  
File Wrapper Claim

\_\_\_\_\_  
IIFW  
File Wrapper Issue Information

\_\_\_\_\_  
SRFW  
File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET